

REMARKS

Claims 1-17 are now pending in the application. Claims 5-9 have been allowed. Claims 1-4 and 10-17 have been rejected. Claims 1-4 and 10-17 have been amended herein. Reconsideration is respectfully requested in light of the present amendments and the following remarks. The above amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and to render all claims at issue patentably distinct over the references cited.

REJECTION UNDER 35 U.S.C. §112

Claims 1-4 and 10-17 stand rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed. Notwithstanding, Claims 1 and 10 the noted term "rotating" has been replaced by "sliding". This is simply a grammatical change and in no way should limit any equivalents to the noted claimed element. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

In Claims 4 and 10 the noted term "opened" is now replaced by "stowed". This is simply a grammatical change and in no way should limit any equivalents to the noted claimed element. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

REJECTION UNDER 35 U.S.C. §102

The Examiner has rejected Claims 1-2, 4, and 10-11 under 35 U.S.C. §102(b) as being anticipated by Benedetto et al. (U.S. Patent No. 5,209,544). This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited reference. Notwithstanding, independent Claims 1 and 10 have been amended to add a cover operably covering the stowed position wherein the cover

moves to the substantially open position before the pivoting of the back window. In contrast, Benedetto does not disclose the claimed combination of elements, especially as amended. For example, Figures 1-6 of Benedetto disclose a rear window which must be raised before the cover element is movable. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 3 and 12-17 would be allowable if rewritten to overcome rejections under 35 U.S.C. 112, second paragraph and to include all the limitations of the base claim and any intervening claims. Accordingly, Applicants' representative has amended Claims 3 and 12-17 to overcome rejections under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

All claim amendments not specifically discussed herein have been made to either broaden the claim or to improve grammar and not to overcome any cited references. Therefore, all of these claim amendments should be entitled to their whole range of equivalents.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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